

87th Legislative Session – 2012

Committee: House State Affairs

Wednesday, February 08, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Blake
P Fargen
P Gibson
P Gosch
P Hoffman
P Hunhoff (Bernie)
P Moser
P Rausch
P Turbiville
P Wick
P Cronin, Vice-Chair
P Lust, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Lust.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 6, 2012

Moved by: Gosch
Second by: Hoffman
Action: Prevailed by voice vote.

HB 1265: expand the scope of the Governor's house program.

Presented by: Representative Mitch Fargen

MOTION: TO TABLE HB 1265

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by voice vote.

HB 1227: revise certain provisions with regard to the rights of industrial and construction equipment dealers.

Presented by: Representative Gene Abdallah
Proponents: Dan Healy, Self, Sioux Falls
Lorin Pankratz, DMI, Sioux Falls
Myron Rau, SD Auto Dealer's Association
Opponents: David Owen, SD Chamber of Commerce and Industry

MOTION: AMEND HB 1227

1227ja

On page 1, line 6, of the printed bill, after "dealer" insert ", as defined in § 37-5-12.1 or subdivision 37-5-13(1),".

On page 1, line 7, delete ", without having to prove irreparable injury,".

On page 2, line 8, delete "primarily" and insert "from manufacturer authorized facilities".

On page 2, delete line 9, and insert "include any person with total annual gross sales in this state and elsewhere of one hundred million dollars or more of industrial".

On page 2, line 10, after "construction equipment," insert "attachments,".

On page 2, line 15, delete "primarily" and insert "from manufacturer authorized facilities".

On page 2, delete line 17, and insert "total annual gross sales in this state and elsewhere of one hundred million dollars or more of industrial and".

On page 2, line 18, after "construction equipment," insert "attachments,".

On page 2, line 24, delete "37-5-" and insert "37-5-12.2(3);".

On page 3, delete line 1.

On page 3, line 5, after "manufacturer" insert "of industrial and construction equipment".

On page 3, line 6, after "sales" insert "of industrial and construction equipment".

Moved by: Abdallah
Second by: Moser
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1227 AS AMENDED

Moved by: Gibson
Second by: Cronin
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Blake, Fargen, Gibson, Gosch, Hoffman, Hunhoff (Bernie), Moser, Turbiville, Wick, Cronin, Lust

Excused: Rausch

HB 1138: declare that any person who maintains or provides roll-your-own cigarette machines at retail establishments are cigarette manufacturers.

Presented by: Representative Justin Cronin (Handout: 1)
Proponents: Dawna Leitzke, SD Petroleum and Propane Marketers Association
Bob Burke, Self, Chamberlain
Shawn Lyons, SD Retailers Association
Don Livesay, Self, Rapid City
Jason Evans, Department of Revenue
Gary Moore, Self, Yankton
Charlie McGuigan, Office of Attorney General
Opponents: Bob Riter Jr., RYO Machines
Kay Davis, Self, Sioux Falls
Jada Piper, Self, Sioux Falls
Todd Florei, Self, Watertown
Representative Brian Liss
Doug Backlund, Self, Mitchell

MOTION: DEFER HB 1138 TO THE 41ST LEGISLATIVE DAY

Moved by: Gibson
Second by: Turbiville
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1138

1138fa

On page 1, line 10, of the printed bill, delete everything after "10-50B" and insert ". The product produced by the machine shall comply with the provisions of chapter 34-49 by July 1, 2014.".

Moved by: Hoffman
Second by: Wick
Action: Prevailed by voice vote.

MOTION: DEFER HB 1138 TO THE 41ST LEGISLATIVE DAY

Moved by: Moser
Second by: Hoffman
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1138 AS AMENDED

Moved by: Rausch
Second by: Hunhoff (Bernie)
Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Abdallah, Fargen, Gosch, Hoffman, Hunhoff (Bernie), Rausch, Wick, Cronin, Lust

Voting No: Blake, Gibson, Moser, Turbiville

HB 1213: revise certain provisions regarding liability for torts and product identification requirements.

Presented by: Representative Hal Wick
Proponents: David Owen, SD Chamber of Commerce and Industry

MOTION: DO PASS HB 1213

Moved by: Moser
Second by: Rausch
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1213

1213ja

On page 3, line 17, of the printed bill, delete everything after "liable" and insert "if the claimant fails to prove".

On page 3, after line 21, insert "designed,".

On page 3, line 22, delete "defective".

Moved by: Gosch
Second by: Rausch
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1213 AS AMENDED

Moved by: Gosch
Second by: Turbiville
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Abdallah, Blake, Fargen, Gibson, Gosch, Hoffman, Hunhoff (Bernie), Moser, Rausch, Turbiville, Wick, Cronin, Lust

HB 1155: regulate certain automatic periodic financial transfers for the purpose of funding political contributions.

Presented by: Representative Hal Wick
Opponents: Joe Kraljic, Brotherhood of Maintenance of Way (Handout: 2)
Tim Even, Self, Rapid City
Mark Anderson, State Federation of Labor AFL-CIO, SD
Bryce Healy, SD Education Association

HB 1155 will have final action on Friday February 10, 2012

MOTION: ADJOURN

Moved by: Gibson
Second by: Hoffman
Action: Prevailed by voice vote.

Joshua Klumb
Committee Secretary

David Lust, Chair